

House File 389 - Introduced

HOUSE FILE 389

BY KLEIN

A BILL FOR

1 An Act relating to the regulation of agricultural seed, by
2 providing that seed exchanges and seed libraries are exempt
3 from testing requirements and the payment of permit fees.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 199.1, Code 2015, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 21A. *a. "Seed exchange"* means a person who
4 is all of the following:

5 (1) An individual; a government entity; a person organized
6 and operating on a cooperative or nonprofit basis; or a
7 partnership, business corporation, limited liability company,
8 or trust if all its partners, shareholders, members, or
9 beneficiaries are individuals.

10 (2) Engaged in transferring agricultural seed to persons in
11 return for agricultural seed having equivalent value.

12 *b. "Seed exchange"* does not include a person who during
13 any twelve-month period transfers or receives agricultural
14 seed having a total fair market value of more than one hundred
15 thousand dollars.

16 NEW SUBSECTION. 21B. *"Seed library"* means a government
17 entity, or a person organized and operating on a cooperative
18 or nonprofit basis, that donates and receives donations of
19 agricultural seed in order to do any of the following:

20 *a.* Preserve varieties of agricultural seed.

21 *b.* Educate the public regarding the value of agricultural
22 seed varieties.

23 *c.* Provide agricultural seed to persons without receiving
24 legal consideration or receiving agricultural seed of
25 equivalent value.

26 Sec. 2. Section 199.9, Code 2015, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 3. The department shall not require any of
29 the following:

30 *a.* Agricultural seed owned and possessed by a seed exchange
31 or seed library to be subject to inspection, analysis, or
32 testing, including as provided in sections 199.10 and 199.11.

33 *b.* A seed exchange or a seed library to pay a fee for a new
34 or renewed permit as otherwise required in section 199.15.

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EXPLANATION

1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 BILL — SUMMARY. This bill provides that a seed exchange
4 or seed library is exempt from certain requirements otherwise
5 imposed on persons engaged in selling, distributing,
6 transporting, offering for sale, or advertising agricultural
7 seed. The bill provides that any agricultural seed owned and
8 possessed by a seed exchange or seed library is exempt from
9 inspection, analysis, and testing requirements (Code sections
10 199.10 and 199.11) or paying a fee for obtaining a permit (Code
11 section 199.15).

12 BILL — SEED EXCHANGE AND SEED LIBRARY DEFINED. The bill
13 defines a "seed exchange" as an individual, a government
14 entity, a person organized and operating on a nonprofit
15 or cooperative basis, or another entity entirely owned by
16 individuals (e.g., as shareholders of a corporation), if the
17 person is engaged in transferring agricultural seed to persons
18 in return for agricultural seed of equivalent value, up to
19 \$100,000 during any 12-month period. The bill defines a "seed
20 library" as a government entity, or a person organized and
21 operating on a cooperative or nonprofit basis, that donates
22 and receives donations of agricultural seed for promotion,
23 education, or transfer without receiving legal consideration
24 in return.

25 BACKGROUND. The department of agriculture and land
26 stewardship acting with Iowa state university of science and
27 technology provides for the regulation of agricultural seed
28 sold, offered for sale, exposed for sale, or transported
29 within this state. Agricultural seed includes grass, forage,
30 cereal, oil, fiber, and any other kind of crop seed, lawn seed,
31 vegetable seed, or seed mixtures.